

National Aeronautics and Space Administration



Headquarters

Washington, DC 20546-0001

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Office of Communications

MuckRock News
ATTN: Ansel Halliburton
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FOIA: 18-NSSC-00786

Dear Mr. Halliburton:

Thank you for your Freedom of Information Act (FOIA) request dated July 17, 2018, and received August 3, 2018, by the NASA Headquarters FOIA Office. Your request will be processed by the Headquarters FOIA Office on behalf of NSSC. Your request was assigned FOIA Case Number 18-NSSC-F-00786 and was for:

a copy of the NASA contract titled "Agency-wide Contract Closeout and Procurement Support Services". The contract is with Brandan Enterprises, Inc., and its NSSC contract number is NNX13AA08C. Its performance period is listed as "02/01/13 thru 08/31/2018", and the listed Contracting Officer is Hayward Expose.

The program office located a total of 331 pages in response to your request. We have reviewed these responsive records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

149 pages are being released in full (RIF);
32 pages are being released in part (RIP);
150 pages are being withheld in full (WIF).

NASA redacted from the enclosed documents information that fell within the following FOIA Exemptions explained below.

Exemption 3, 5 U.S.C. § 552(b)(3)

Exemption 3 concerns matters that are "specifically exempted from disclosure by statute ... provided that such statute (A) requires that matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers

to particular types of matters to be withheld.” *See* 5 U.S.C. § 552 (b)(3). Pursuant to 41 U.S.C. §253b(m)(1), NASA is withholding contractor proposals submitted by the successful offeror in response to a solicitation not set forth or incorporated by reference in the contract.

Exemption 4, 5 U.S.C. § 552(b)(4)

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. *See* 5 U.S.C. § 552(b)(4). Courts have held that this subsection protects (a) confidential commercial information, the disclosure of which is likely to cause substantial harm to the competitive position of the person who submitted the information and (b) information that was voluntarily submitted to the government if it is the kind of information that the provider would not customarily make available to the public. Thus NASA invokes Exemption 4 to protect all proprietary information within the contract document and attachments.

Exemption 6, 5 U.S.C. § 552(b)(6)

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(6)(emphasis added). NASA is invoking Exemption 6 to protect the personal signatures of individuals.

You have the right under 14 CFR §1206.700 to appeal this determination within 90 days from the date of this letter. Your appeal must be in writing and should be addressed to:

Administrator
NASA Headquarters
Executive Secretariat
MS 9R17
Washington, DC 20546
ATTN: FOIA Appeals

Your appeal should be marked “Appeal under the Freedom of Information Act” both on the envelope and the face of the letter. A copy of your initial request along with a copy of this correspondence and any other correspondence with the FOIA office must be enclosed. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should also contain a brief statement of the reasons you believe this response to be in error.

Prior to filing an appeal, you may contact NASA’s Principal FOIA Officer/Chief FOIA Public Liaison, Nikki Gramian, via telephone at 202-358-0625 or via e-mail at Nikki.N.Gramian@NASA.gov to obtain further assistance or seek dispute resolution services for any aspect of your request. You may also send correspondence to Ms. Gramian at the following address:

National Aeronautics and Space Administration (NASA)
Freedom of Information Act Unit
NASA Headquarters
Attn: Nikki Gramian

Principal Agency FOIA Officer
300 E Street, S.W., 5P32
Washington D.C. 20546
(Fax) 202- 358-4332

Additionally, you may contact the Office of Government Information Services (OGIS) at the national Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: 1-877-684-6448
Fax: (202) 741-5769

Important: Please note that contacting any agency official including the undersigned or NASA's Principal FOIA Officer and/or OGIS referenced above is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock.

In accordance with § 1206.804 (c), after consultation with the NASA Shared Services Center General Counsel Office, I am the official responsible for the denial of your request. If I can be of further assistance, please feel free to contact me at martha.e.terry@nasa.gov or (202) 358-2339 or Ms. Gramian at the contact information provided above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Martha Terry', with a stylized flourish at the end.

Martha Terry
NASA FOIA Officer
Headquarters, Office of Communications

